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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,781

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Tomoyuki Nono

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11/01/2006

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EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,781

Applicant(s)

NONO, TOMOYUKI

Examiner

Daquan Zhao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 10/05/2006 have been fully considered but they are not persuasive.

In re pages 10-11, Applicant argues the term "laundry index" is a common term in Japan, and introduces new matter to define the term "laundry Index" in both the claims and the specification.

In response, the examiner respectfully rejects the new matter claim under 35 USC § 112 first paragraph and object to the specification. One ordinary skill in the art would not have know how to use the "laundry index" since there is no description for this term at the time of the original specification was filed.

In re pages 12, applicant assert the term, "rain-fall attenuation", in the certified translation of Megata is an error according to the machine translation.

In response, the examiner respectfully inquires applicant to submit a certified translation to proof "rain-fall attenuation" is a translation error.

In re pages 13-14, applicants argues that Boyer, Megata and Manson, either individually or in combination fail to teach the "future" weather conditions for desired program scheduled to be aired for claim 1.

In response, the examiner respectfully disagrees because Boyer et al teach "real-time data pertaining to the weather may be embedded within the program listing of an outdoor event such as marathon, which may be in progress and being televised or

which may be scheduled to be televised in the near future.” (column 4, lines 60-67, figure 7 also shows the weather information).

In re pages 14-15, applicant argues Boyer, Megata and Manson fail to teach the storing mean for weather forecast information and the notifying means for the receive level degradation probability for claim 13.

In response, the examiner respectfully disagrees because Boyer et al teach a server store the weather forecast information (column 4, lines 1-27, weather data for user's region, data on zip codes in the cable system user area). Megata teaches notifying means for receive level degradation (page 4 of the translation). Therefore, it would have been motivated for one ordinary skill in the art at the time the invention was made to have use the forecast information disclosed by Boyer et al and the notifying means of Megata to calculate the probability of the receive signal degradation to display a message for the user to indicate that the quality of the received video image is much deteriorated because rain-fall (page 4 of the translation of Megata) to give user warning.

Specification

The amendment filed on 10/05/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: page 49 of the specification defines the term laundry index as “a numerical index, typically from 10 to

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100, indicating how well laundry hung outside will dry based on the relevant weather forecast information", which was not presented in the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 12, 14, 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the original specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation for "laundry index that is a numerical value indicating how well laundry hung outside will dry based on the relevant weather" was not presented in the original claims or specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Claims 1, 3, 7, 8, 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (US 6,268,849), Manson et al (US 6,543,051), and Tsuyoshi Megata (JP363200689).

Claims 1,3,7,8,9,13 are drawn to a recording/viewing support apparatus for supporting recording or viewing a program selected by a user as a desired program from among programs scheduled to be aired as digital broadcasts, said apparatus comprising the following limitations:

- Program specifying information obtaining means for obtaining program specifying information that specifies said desired program based on an operation by said user (claim 1);
- Weather forecast information obtaining means for obtaining, based on said program specifying information, weather forecast information for relevant weather at a location where said digital broadcast is received during a broadcast time period of said desired program as relevant weather forecast information (claim 1, claim 7);

- Determining means for determining, based on said relevant weather forecast information, whether said relevant weather will be so bad or not as to degrade said desired program in image quality or sound quality (claim 1);
- Notifying means for giving, when said determining means determines that said relevant weather will be bad, a notice of a possibility of degradation in image quality or sound quality of said desired program.(claim 1)
- Receiving means for receiving said digital broadcast and generating a transport stream; program information displaying means for displaying a program list based on program sequence information included in said transport stream; and input operation means, operated by the user for selecting said desired program from among programs shown in said program list, for obtaining said program specifying information based on the operation by said user (claim 3).
- weather forecast information obtaining means includes interfacing means for accessing to the Internet, and obtains, through the interfacing means, said relevant weather forecast information via the Internet (claim 8).
- A probability of precipitation included in said relevant weather forecast information is larger than a predetermined value, said

determining means determines that said relevant weather will be so bad as to degrade said desired program in image quality or sound quality (claim 9).

- Storing means for storing correlation data that relates a probability of precipitation to a receive level degradation probability defined as a probability at which a receive level of said digital broadcast becomes smaller than a predetermined level threshold value (claim 11 and 13).
- wherein said determining means calculates, based on said correlation data, the receive level degradation probability corresponding to the probability of precipitation included in said relevant weather forecast information and, when the calculated receive level degradation probability is larger than a predetermined probability threshold value, determines that said relevant weather will be so bad as to degrade said desired program in image quality or sound quality (claim 11).

Boyer et al teach a recording/viewing support apparatus for supporting recording or viewing a program selected by a user as a desired program from among programs scheduled to be aired as digital broadcasts, said apparatus comprising:

- Program specifying information obtaining means for obtaining program specifying information that specifies said desired program

based on an operation by said user (e.g. column 5, lines 45-67 and column 7, lines 54-62, user obtains weather information through various web pages);

- Receiving means for receiving said digital broadcast and generating a transport stream (e.g. column 2, lines 43-57); program information displaying means for displaying a program list based on program sequence information included in said transport stream (e.g. column 2, lines 25-28); and input operation means, operated by the user for selecting said desired program from among programs shown in said program list, for obtaining said program specifying information based on the operation by said user (e.g. column 7, lines 54-62).
- Weather forecast information obtaining means includes interfacing means for accessing to the Internet, and obtains, through the interfacing means, said relevant weather forecast information via the Internet (e.g. column 7, lines 54-62).
- Storing mean for storing television programming information (e.g. column 4, lines 1-7).

However, Boyer et al fail to teach the following:

- Determining means for determining, based on said relevant weather forecast information, whether said relevant weather will be

so bad or not as to degrade said desired program in image quality or sound quality; and

- Notifying means for giving, when said determining means determines that said relevant weather will be bad, a notice of a possibility of degradation in image quality or sound quality of said desired program
- A probability of precipitation included in said relevant weather forecast information is larger than a predetermined value, said determining means determines that said relevant weather will be so bad as to degrade said desired program in image quality or sound quality.
- correlation data that relates a probability of precipitation to a receive level degradation probability defined as a probability at which a receive level of said digital broadcast becomes smaller than a predetermined level threshold value,
- wherein said determining means calculates, based on said correlation data, the receive level degradation probability corresponding to the probability of precipitation included in said relevant weather forecast information and, when the calculated receive level degradation probability is larger than a predetermined probability threshold value, determines that said relevant weather

will be so bad as to degrade said desired program in image quality or sound quality.

Tsuyoshi Megata discloses:

- Determining means for determining, based on said relevant weather forecast information, whether said relevant weather will be so bad or not as to degrade said desired program in image quality or sound quality; and
- Notifying means for giving, when said determining means determines that said relevant weather will be bad, a notice of a possibility of degradation in image quality or sound quality of said desired program
- A probability of precipitation included in said relevant weather forecast information is larger than a predetermined value, said determining means determines that said relevant weather will be so bad as to degrade said desired program in image quality or sound quality.
- Correlation data that relates a probability of precipitation to a receive level degradation probability defined as a probability at which a receive level of said digital broadcast becomes smaller than a predetermined level threshold value,
- Wherein said determining means calculates, based on said correlation data, the receive level degradation probability

corresponding to the probability of precipitation included in said relevant weather forecast information and, when the calculated receive level degradation probability is larger than a predetermined probability threshold value, determines that said relevant weather will be so bad as to degrade said desired program in image quality or sound quality.

(please see e.g. English translation of the abstract, page 4-7 of the English translation attached).

It would have been obvious for one ordinary skill in the art at the time of the invention was made to combine the teachings of Boyer et al and Tsuyoshi Megata to provide a television program guide to display a message when the signal level decreases due to rain-fall attenuation and indicating that the quality of the received video image is much deteriorated because of rain-fall attenuation at the time of rain-fall attenuation occurrence (Tsuyoshi Megata, page 4 and page 5 of the English translation).

Both Boyer et al and Tsuyoshi Megata fails to disclose weather forecast information obtaining means for obtaining, based on said program specifying information, weather forecast information for relevant weather at a location where said digital broadcast is received during a broadcast time period of said desired program as relevant weather forecast information.

Manson et al teach weather forecast information obtaining means for obtaining, based on said program specifying information, weather forecast information for relevant weather at a location where said digital broadcast is received during a broadcast time period of said desired program as relevant weather forecast information (e.g. abstract, and column 1, lines 19-21, weather forecast information: emergency alert message); It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Manson et al into the teaching of Boyer et al and Tsuyoshi Megata to provides a cost saving to the system operators by allowing the modification of existing equipment, rather than requiring the purchase of new digital equipment (Manson et al, column 3, lines 45-67).

Claims 2, 4, 5, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (US 6,268,849), Manson et al (US 6,543,051), and Tsuyoshi Megata (JP363200689) as applied to claims 1, 3, 7, 8, 9, 11, and 13 above, and further in view of Bottomley et al (US 5,508,732).

Claims 2, 4, 5, 15-17 and 19 are drawn to a recording/viewing support apparatus for supporting recording or viewing a program selected by a user as a desired program from among programs scheduled to be aired as digital broadcasts, said apparatus comprising the following limitations:

- Searching means for searching for a same program to be aired at different time, which is a program that is equal in content to said

desired program and is scheduled to be aired in a time period
different from the broadcast time period of said desired program;

- Same program information displaying means for displaying;
information that specifies said same program to be aired at different
time found by said searching means.

Boyer et al teach Searching means for searching the programming to be air (e.g. column 7, lines 53-65); displaying means for displaying television program listings with embedded real time data (e.g. column 2, lines 24-28). However, Boyer et al fail to teach the same program to be aired at different time, which is a program that is equal in content to said desired program and is scheduled to be aired in a time period different from the broadcast time period of said desired program. Neither Manson et al nor Tsuyoshi Megata teaches this. Bottomley et al disclose the same program can be aired at different time (column 10, lines 12-13). It would have been obvious at the time the invention was made to combine the teaching disclosed by Bottomley et al and the teaching disclosed by Boyer et al, Manson et al and Tsuyoshi Megata for the same reason disclosed by Bottomley et al, which is to provide a broadcast medium where the consumer is not locked into a time schedule which is predetermined by the service packager (Bottomley et al, column 1, lines 41-44).

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (US 6,268,849), Manson et al (US 6,543,051), Tsuyoshi Megata (JP363200689), and

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Bottomley et al (US 5,508,732) as applied to claims 1-5, 7-9, 11, 13, 15-17, and 19 above, and further in view of Kim et al (US 6,549,905 B1).

Claim 6 is drawn to searching means searches not only digital broadcast programs but also analog broadcast programs for said same program to be aired at different time.

Boyer et al disclose the recording/viewing support apparatus according to claim 2, wherein said searching means searches the program guide listings (e.g. abstract, and column 5, line 40-58). However, Boyer et al fail to specify neither the digital broadcast programs nor the analog broadcast programs. Mason et al, Tsuyoshi Megataand, and Bottomley et al fail to specify this. Kim et al disclose a searching means searches not only digital broadcast programs but also analog broadcast programs for said same program to be aired at different time (e.g. column 7, lines 3-8). It would have been obvious for one ordinary skill in the art at the time the invention was made to modify the teaching of Boyer et al, Mason et al, Tsuyoshi Megataand, and Bottomley et al with the teaching of Kim et al to provide a method for automatically searching information data on a television channel for user's convenience (Kim et al, column 2, lines 19-23).

THIS ACTION IS MADE FINAL since the grounds of rejection stay the same although applicant amend the claims 1 and 13 by changing "is" to "will be". See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

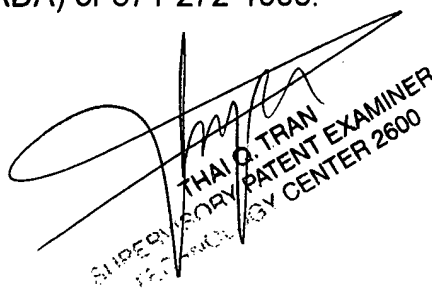
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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